

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

DELPHINE ALLEN, and others,

Plaintiffs,

V.

CITY OF OAKLAND, and others,

Defendants.

Case No. 00-4599 TEH (NC)

**ORDER DENYING WITHOUT
PREJUDICE MOTION TO
COMPEL DEPOSITION OF
OAKLAND MAYOR
JEAN QUAN**

Re: Dkt. No. 722

The Court addresses the plaintiffs' motion to compel the deposition of Oakland Mayor Jean Quan. Dkt. No. 722. As the City has agreed to produce Mayor Quan for a deposition on September 25, the Court finds that there is no present controversy that requires Court action. If Mayor Quan fails to appear for a deposition by September 25, the motion to compel may be revived and the Court will consider punitive sanctions. At that time, the Court would take into consideration that the deposition was previously scheduled on August 30.

The City, despite agreeing to produce Mayor Quan for a deposition, nevertheless cites to various authorities for the proposition that the deposition should be blocked because it will burden the Mayor. Dkt. No. 724 at p. 3. These objections are poorly timed and not well supported. The City could have filed a motion for protective order as soon as plaintiffs noticed the Mayor's deposition. It did not do so. The Court therefore expects that Mayor Quan will appear for her deposition on or before September 25.

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1 For these reasons, the hearing scheduled for September 10 is VACATED and the
2 motion to compel is DENIED without prejudice.

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4 DATED: September 7, 2012


5 NATHANAEL M. COUSINS
6 United States Magistrate Judge